



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------|
| 10/659,385 | 09/11/2003 | Stephane Jupin | 2937-120 | 3797 |
| 6449 | 7590 | 03/03/2006 | | |
| ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005 | | | EXAMINER ONI, OLUBUSOLA | |
| | | | ART UNIT 2168 | PAPER NUMBER |

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/659,385 | Applicant(s) JUPIN ET AL. | |
| | Examiner OLUBUSOLA ONI | Art Unit 2168 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: Application, filed on 09/11/2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tuttle et al (U.S. 20060031282) hereinafter "Tuttle".

For claim 1, Tuttle teaches, "providing a dynamical data exchange server" (See paragraph [0016], fig. 1-3).

"Receiving fresh data in the server" (See paragraph [0016-0018, 0032-0035])

"indicating to the server the nature of data requested by the application" (See paragraph [0018,0033-0034]).

"creating or modifying at least a dynamical data exchange channel between the server and the application according to the nature of data indicated" (See paragraph [0018, 0042]).

"pushing fresh data towards the application on the dynamical data exchange channel" (See paragraph [0032-0034]).

For claim 2, this claim is rejected on grounds corresponding to the argument give above for rejected claim 1 above. Tuttle teaches "wherein the step of indicating is carried out by process invoked by the application" (See paragraph [0033-0034]).

For claim 3, this claim is rejected on grounds corresponding to the argument give above for rejected claim 1 above. Tuttle teaches "wherein the step of creating or modifying is carried out whenever nature of data is indicated to the server"(See paragraph [0018, 0033-0034]).

For claim 4, this claim is rejected on grounds corresponding to the argument give above for rejected claim 2 above. Tuttle teaches, "wherein the step of creating or

Art Unit: 2168

modifying is carried out whenever nature of data is indicated to the server" (See paragraph [0018, 0033-0034]).

For claim 5, this claim is rejected on grounds corresponding to the argument give above for rejected claim 1 above. Tuttle teaches "the step of providing a second process, said process being invoked for creating or modifying said at least one dynamical data exchange channel"(See paragraph [0018, 0042])

For claim 6, this claim is rejected on grounds corresponding to the argument give above for rejected claim 5 above. Tuttle teaches "wherein the second process processes a vocable of the dynamical data exchange channel" (See paragraph [0018, 0042])

For claim 7, this claim is rejected on grounds corresponding to the argument give above for rejected claim 1 above. Tuttle teaches " wherein the dynamical data exchange server comprises an input section for receiving fresh data, an output section from which data is pushed towards the application, the method further comprising the step of copying data from the input section to the output section"(See paragraph [0016-0018, 0032-0035, 0042]).

For claim 8, this claim is rejected on grounds corresponding to the argument give above for rejected claim 7 above. Tuttle teaches "wherein the step of indicating further

Art Unit: 2168

comprises indicating a refresh status for the data requested by the application, and wherein the step of copying is carried out for the data requested by the application according to the refresh status" (See paragraph [0016-0018, 0032-0035, 0042-0044]).

CONCLUSION

4. The following prior art cited on the PTO-892 form, not relied upon, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-272-2738. The examiner can normally be reached on 7.30-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY GAFFIN can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OLUBUSOLA ONI
Examiner
Art Unit 2168

KHANH B. PHAM
PRIMARY EXAMINER

